

32 KAR 2:200. Allowable campaign expenditures.

RELATES TO: KRS 121.150

STATUTORY AUTHORITY: KRS 121.120(1)(g), 121.175

NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.175, as amended by the General Assembly in extraordinary session in 1993, requires the Registry of Election Finance to promulgate administrative regulations to specifically define those expenditures that may lawfully be made from a candidate's campaign account. It is therefore necessary to promulgate this administrative regulation so that the agency may fulfill its statutory mandate.

Section 1. Allowable Expenditures. In addition to the general categories of allowable campaign expenditures provided by law, the following expenditures shall be considered allowable:

(1) Expenditures made or items donated to charitable and civic organizations such as clubs, neighborhood organizations, schools, and churches, provided that the expenditure furthers a candidacy through advertising;

(2) Expenditures for items of personal property bearing the name or likeness of the candidate in a conspicuous manner for distribution by a candidate which are distributed for the purpose of advertising that individual's candidacy. These items include, but are not limited to, hats, shirts, calendars, magnets, holiday greeting cards, and similar items. The purchase of tickets for general distribution for the purpose of influencing and election, either directly or indirectly, shall not be allowed under the subsection;

(3) Reasonable expenditures for services such as distribution of campaign literature, staff services, and similar services which are primarily and directly related to the individual's candidacy;

(4) Expenditures for the purchase of transportation services, including but not limited to the transportation of voters to the polls, provided that the expenditures are reasonable in light of the number of persons transported, mileage driven, and time spent. All transportation expenditures shall be primarily and directly related to the candidacy of the individual on whose behalf the expenditures are made;

(5) Expenditures for tickets to political and other events to be attended by the candidate, his spouse, or a campaign staff representative, and from which the candidate derives a direct benefit to his candidacy. The burden shall be on the candidate to prove to the registry that representation at the event provided a direct benefit to his candidacy;

(6) The purchase of American, state, or other flags which are donated to schools, civic, or charitable organizations;

(7) The purchase or rental of items such as cellular telephones, copiers, computers, automobiles, facsimile machines, and similar items. Only that use attributable to the campaign may be paid for with campaign funds and the burden shall be on the candidate to prove that an expenditure is allowable under this subsection.

Section 2. Unlawful Campaign Expenditures. In addition to the expenditures specifically prohibited by law, the following categories of campaign expenditures shall not be considered allowable expenditures from a campaign account:

(1) Payment of dues to professional, civic, or other organizations to which the individual belongs or desires to join;

(2) Expenditures made to defray the costs associated with an individual's performance of his official duties as an officeholder.

Section 3. If the registry staff, in the course of reviewing a candidate's or incumbent's campaign finance statements, determines that a questionable expenditure has been made, whether or not the

expenditure was made during an election year, the burden shall be on the candidate or incumbent to prove that the expenditure was directly and primarily related to his candidacy. (20 Ky.R. 2269; 3192; eff. 6-2-1994; Crt eff. 9-27-2019.)